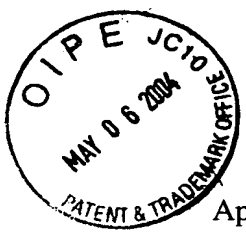


EPW

1711

Docket No.: KCC-15,529

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicants: John David TUCKER, et al.  
Serial No.: 09/967,218  
Filing Date: 28 September 2001  
Title: TEXTILE FIBERS MADE FROM  
STRENGTHENED POLYPROPYLENE  
Confirmation No. 7138  
Customer No. 35844

Group No. 1711  
Examiner: T. Tran

RESPONSE TO RESTRICTION REQUIREMENT  
AND TELEPHONE INTERVIEW SUMMARY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

In response to the Restriction Requirement mailed 20 April 2004, Applicants respectfully elect the species of ethylene-propylene-diene-monomer. As indicated in Paragraph 6 of the Restriction Requirement, Claims 1 and 4-23 shall be examined together in accordance with this election. This election is made with traverse on the basis that the Examiner has issued four separate Office Actions in which all of the claims, including all of the currently-identified species, have been examined. Thus, the Examiner has shown that the search and examination of the entire application has been made (four times) without serious burden.

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

May 3, 2004  
5/3/04      [Signature]  
Date      Signature

MPEP §803 states that “[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on its merits, even though it includes claims to independent or distinct inventions.”

Additionally, MPEP §803 states that “[i]f the members of the Markush group are sufficiently few in number or so closely related that a search and examination of the entire claim can be made without serious burden, the examiner must examine all the members of the Markush group in the claim on the merits, even though they are directed to independent and distinct inventions. In such a case, the examiner ... will not require restriction.”

#### **Telephone Interview Summary**

The Examiner initiated a telephone interview with Applicants’ undersigned attorney on 13 April 2004, stating that she would allow the claims (Claims 1 and 4-23) if Applicants would either replace the term “comprising” with “consisting of,” or change “at least 75%” to “at least 95%” in each of the independent claims. Applicants’ undersigned attorney reviewed the case and called the Examiner back suggesting that Applicants change “at least 75%” to “at least 80%,” citing support for this limitation in Tables 21-24, with express support in the titles of the tables in combination with the data in the tables and the description on page 27. The Examiner agreed that the support was sufficient and that this change, to be made by Examiner’s Amendment, would place the claims in condition for allowance.


On 16 April 2004, the Examiner called Applicants’ undersigned attorney and stated that she could not allow the case as previously agreed upon, but instead would have to issue a Restriction Requirement.

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Applicants believe that all pending claims in this case are now in condition for allowance. If the Examiner feels that any issues remain regarding this Restriction Requirement, then Applicants' undersigned attorney would like to discuss the case with the Examiner. The undersigned can be reached at (847) 490-1400.

Respectfully submitted,

  
Melanie L. Rauch  
Registration No. 40,924

Pauley Petersen & Erickson  
2800 West Higgins Road, Suite 365  
Hoffman Estates, Illinois 60195  
(847) 490-1400  
FAX (847) 490-1403